Note for Mulderig, John

**From:** Purcell, Clare

**Date:** Sun, Nov 6, 1994 4:57 PM

**Subject:** Records management Seminar

**To:** Mulderig, John

**Cc:** Keane, Denise

Please

John:

I read through the material from the American Corporate Counsel Association's June 29, 1994 seminar "Document Retention Policies and Practices in the Computer Age". There are four substantive sections in the binder: 1) Sample Document Retention Policy with Retention Schedule; 2) "Clean up Day" -- Legal Issues and Sample Implementing Memoranda; 3) "Cleaning the Corporate Closet"; and, 4) The Digital Domain.

The samples included in Section 1 are fairly predictable--the schedules do not look unlike our own but for the 'Legal Requirements' column. We could add a similar column to our forms if the citation binder from Hunton & Williams were available. By way of introduction, Section 2 includes a Legal Note referencing Turner v Hudson Transit Lines, Inc. (142 F.R.D. 68, 72-73 (S.D.N.Y. 1991)), and other cases outlining a corporation's obligation to preserve evidence. The sample clean-up day guidelines seem generally helpful but as written would be inconsistent with our own policy in that we do not recognize "formal" and " informal" files and require that all copies of records under disposal suspension must be preserved (see Section 7 of the PM Records Management Manual). Section 3 is a very basic outline of records management issues to be addressed from document creation through implementation of a policy. Curiously, the only suggestions under "assuring adherence to the policy" refer to annual clean-up days and periodic audits.

You may want to skim Section 4 and you will certainly want to pass it on to the new person (once hired) who will be responsible for records management. It provides both useful general background on the complexity and magnitude of problems related to electronic records management and some helpful suggestions on where to focus to identify the location of electronic records and to begin implementation of an automated retention program. On page 8 the author's list of "Guiding Principles" include:
-developing an automated electronic document retention program;
-addressing e-mail first, PC applications second; and,
-learning how e-mail and electronic document management systems work in sufficient technical detail to work effectively with the IS department.

One additional point of interest in this section is a reference to encryption technology (p.6, Section B.2b). I'm curious about what that is and its practical implications and I will contact IS to learn more.

I have my copy of the binder--please let me know if you'd like me to forward a copy to anyone.

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